



# JARRARD & DAVIS, LLP

## Limited Liability Partnership

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March 12, 2019

### VIA EMAIL ONLY

Mackenzie Farkus  
MuckRock News  
DEPT MR 70285  
411A Highland Ave  
Somerville, MA 02144-2516  
[70285-74212688@requests.muckrock.com](mailto:70285-74212688@requests.muckrock.com)

### **RE: Open Records Act Request Dated March 7, 2019**

Dear Ms. Farkus:

This office and the undersigned represent Forsyth County, Georgia. Forsyth County received your Open Records Act request dated March 7, 2019. In accord with O.C.G.A. § 50-18-71, *et seq.*, Forsyth County hereby responds to your request within three (3) business days of receipt.

Your request seeks the following:

“Any and all documents, emails, memorandum, and reports from Nov.6-8, 2018 concerning the midterm elections and problems at Forsyth County voting precincts.”

Per your request, we are providing you with a pre-retrieval estimate for records responsive to your request. As you know, pursuant to the Open Records Act, the County is authorized to charge for the search, retrieval, redaction, and production or copying costs involved in responding to your request, after the first 15 minutes of department employee time expended, at the hourly rate of the lowest paid, full-time employee who possesses the necessary skill to so respond. The County may also charge ten (10) cents for each letter or legal-sized page that you request to have copied and an additional fee for certified copies or other copies for which a fee is specifically authorized or otherwise provided for by law.

In accord with O.C.G.A. § 50-18-71, *et seq.*, we are providing you with a pre-retrieval estimate utilizing the above methodology. A preliminary search of documents responsive to your request resulted in approximately 24 pages at \$0.10 per page of easily accessible hard-copy documents, thereby resulting in an estimate of \$2.40 for copying charges. The amount of administrative time is *de minimus*. Therefore, the total pre-retrieval estimate for the requested hard-copy documentation is approximately \$2.40.

Additionally, we are providing you with a pre-retrieval estimate for responsive emails utilizing the above methodology. A preliminary search for emails responsive resulted in the identification of approximately 38 responsive emails. This office assumes that each “hit” will generate three pieces of printed paper. Some generate more; some less. Based upon the produced number, it is estimated that responding to your request will generate approximately 114 pieces of paper (38 x 3). This is a conservative estimate, as it does not account for attachments that will likely be a part of the responsive emails. Charging \$0.10 per page, it is estimated that your request will result in \$11.40 for copying charges. The amount of administrative time is *de minimus*. Therefore, the total pre-retrieval estimate for the requested email documentation is \$11.40.

The total pre-retrieval estimate for readily accessible records responsive to your request is **\$13.80**.

However, if we have misinterpreted your request, and you are actually seeking the audit logs for each individual machine used between November 6 and November 8, 2018 that experienced minor malfunctions – which, for example, necessitated restarting the machine – please see the pre-retrieval estimate below.

Please be advised that according to a representative of the Forsyth County Voter Registrations and Elections Department, the County does not maintain a log of which machines were restarted during the election, if no further maintenance was required. This information is maintained on the individual audit logs for each voting machine used during the election. As such, in order to provide that information, the audit log for each of the 320 election day machines would have to be printed and reviewed individually. As such, a significant portion of the pre-retrieval estimate corresponds to County employees individually running, printing, and reviewing the audit logs to identify records responsive to your request. Please do not hesitate to contact me if you wish to discuss this matter further.

There will be approximately 960 pages at \$0.10 per page, thereby resulting in an estimate of \$96.00 for copying charges. Additionally, it would take an employee earning an hourly rate of \$14.29 per hour approximately 80 hours to compile the requested documents resulting in an administrative cost of \$1,143.20. Therefore, the total pre-retrieval estimate for these records is approximately \$1,239.20.

Pursuant to O.C.G.A. § 50-18-71(d), if the estimated costs for production of the records exceed \$500.00, the County may insist on prepayment of the costs prior to beginning search, retrieval, review or production of the records. Please remit a check in this amount made payable to Forsyth County and mail your payment to:

Forsyth County Finance Department  
ATTN: Open Records Payment  
110 E. Main Street, Ste. 255  
Cumming, GA 30040

Upon remitting pre-payment to the County, we would appreciate a courtesy email informing us of your intent to pre-pay. This will provide us with the opportunity to coordinate with the Finance Department to ensure the timely production of responsive records following receipt of your payment.

Please know that the amount set forth in this correspondence is an estimate, and Forsyth County reserves the right to adjust upward or downward depending upon the number of copies and the amount of time it takes to respond. Forsyth County also reserves the right to review and redact the documents responsive to your request and further reserves the right to assert additional, specific objections under the Act if warranted following receipt of responsive documentation.

If you are not agreeable to the cost estimate above and would prefer to narrow the search, please advise and we will be happy to work with you.

Kindest regards.

Sincerely,

**JARRARD & DAVIS, LLP**



Melissa A. Klatzkow

MAK/kgs